

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
V.)	CRIMINAL NO. DR-20-CR-1104-AM
)	
RAMIRO HELIBERTO CUENCA-CAMPOS,)	
)	
Defendant.)	

**UNITED STATES OF AMERICA'S
MOTION FOR FINAL JUDGMENT OF FORFEITURE**

Comes now the United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, and files its Motion for Final Judgment of Forfeiture, pursuant to FED. R. CRIM. P. 32.2(c)(2) and Title 21 U.S.C. §§ 853(n)(1-7), and in support thereof says the following:

I.

On July 27, 2021, the Court found the Defendant guilty after a stipulated bench trial as to the one count Indictment (ECF No. 13) returned against him, charging Title 18 U.S.C. § 2252A(a)(5)(B) & (b)(2) violations. The Indictment also included a Notice of Demand for Forfeiture to the Defendant pursuant to Title 18 U.S.C. § 2253 that the United States was seeking the forfeiture of any computer, hard drive, cell phone, electronic device, CD, DVD, or other property used or intended to be used to commit or promote the violations described above.

As part of the stipulated bench trial, the parties jointly submitted a Stipulation of Facts (ECF No. 52). The parties stipulated that the Defendant knowingly possessed a cell phone that contained images and videos of child pornography, namely:

- **Samsung SM-A505G_DS cell phone, s/n: R28M32SDKFP,**

hereinafter referred to as the Subject Property.

II.

On September 29, 2021, this Court entered a Preliminary Order of Forfeiture (ECF No. 55) as to the Subject Property. Pursuant to said order, the notice of forfeiture was posted on an official internet government forfeiture site (www.forfeiture.gov) for at least thirty (30) consecutive days, from October 15, 2021, to November 13, 2021, as required by of FED. R. CRIM. P. 32.2(b)(6)(C). The Declaration of Publication (ECF No. 56) was filed on November 23, 2021.

The United States of America knows of no other persons or entities who may have a third-party interest in the Subject Property. Court records for the United States District Clerk's Office, Del Rio Division, reveal that no petitions were filed in this cause by any third-party interests against the Subject Property pursuant to Title 21 U.S.C. §§ 853(n)(1-7) and FED. R. CRIM. P. 32.2(c)(1), and the time for filing such petitions has expired.

III.

On March 15, 2023, the Defendant was sentenced to be imprisoned for a term of Eighty-Four (84) months with credit for time served since March 10, 2020. Subject Property was included in the Judgment in a Criminal Case entered by this Court on March 29, 2023 (ECF No. 61). Accordingly, this matter is now ready for final disposition.

IV.

Plaintiff, United States of America moves the Court to find that the United States of America has established the requisite nexus between the Subject Property and the violations described above by virtue of the guilty verdict basis recited into the record. The United States further moves the Court to find that the Defendant has an interest in the Subject Property.

Plaintiff, United States of America, further moves the Court to order that all right, title, and

interest of the Defendant in the Subject Property be forfeited to the United States of America.

Plaintiff, United States of America, further moves the Court to order that all right, title, and interest of all other potential petitioners in the Subject Property be held in default and be forfeited to the United States of America.

Plaintiff, United States of America, further moves this Court to order that the Department of Homeland Security, Homeland Security Investigations, and the United States Customs and Border Protection Offices of Fines, Penalties and Forfeitures and/or its designated agent, shall dispose of the Subject Property in accordance with law.

Plaintiff, United States of America, further moves this Court to order that all terms and provisions contained in this Court's Preliminary Order of Forfeiture (ECF No. 55) entered on September 29, 2021, in so much as may be applicable and consistent with this Order, shall remain in full force and effect.

WHEREFORE, ALL PREMISES CONSIDERED, the United States of America moves this Honorable Court for the entry of a Final Judgment of Forfeiture.

Respectfully submitted,

JAIME ESPARZA
United States Attorney

By: /s/
Antonio Franco, Jr.
Assistant United States Attorney
Asset Forfeiture Section
601 NW Loop 410, Suite 600
San Antonio, TX 78216
Tel: 210-384-7040
Fax: 210-384-7045
Email: antonio.franco@usdoj.gov
Texas Bar No. 0078407
Attorneys for the United States of America

CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2023, the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System. Notification of such filing will be sent certified mail, return receipt requested, to the following:

Joseph Anthony Cordova

Federal Public Defender

2205 Veterans Blvd., Suite A-2

Del Rio, TX 78840

Email: *Joseph_Cordova@fd.org*

Attorney for Defendant Ramiro Heliberto Cuenca-Campos

/s/

Antonio Franco, Jr.

Assistant United States Attorney